

57-27-101. Title.

This chapter is known as the "Disclosure of Methamphetamine Contaminated Property Act."

Enacted by Chapter 194, 2009 General Session

57-27-102. Definitions.

As used in this chapter:

- (1) "Contaminated" or "contamination" is as defined in Section 19-6-902.
- (2) "Decontaminated" or "decontamination" is as defined in Section 19-6-902.
- (3) (a) "Owner" means the holder of a legal or equitable title or interest in real property.
- (b) "Owner" includes a shareholder, partner, operator, or other legal entity.
- (4) "Real estate professional" means a licensee under Title 61, Chapter 2f, Real Estate Licensing and Practices Act.

Amended by Chapter 379, 2010 General Session

57-27-201. Disclosure of contaminated property required.

(1) Subject to Section 57-1-37, if an owner or lessor of real property has actual knowledge that the property is currently contaminated from the use, storage, or manufacture of methamphetamines, the owner or lessor shall, in a real property lease, conveyance, or other transaction related to the contaminated property, disclose that the property is contaminated.

(2) (a) If an owner's or lessor's real property is contaminated from the use, storage, or manufacture of methamphetamines, the owner or lessor may report the contaminated property to a government agency responsible for monitoring the decontamination process and documenting that the test results meet decontamination standards.

(b) Notwithstanding Subsection (2)(a), an owner or lessor whose contaminated property is reported in a police action related to the manufacturing of methamphetamines shall be subject to the provisions of Title 19, Chapter 6, Part 9, Illegal Drug Operations Site Reporting and Decontamination Act.

(3) (a) A person may file a civil action to enforce this chapter.

(b) A court may award a prevailing party damages, court costs, and reasonable attorney fees for an action filed under this chapter.

Enacted by Chapter 194, 2009 General Session

57-27-202. Real estate professional not liable.

A real estate professional is not liable for an owner or lessor of real property making, or failing to make, a disclosure required by Section 57-27-201, unless the real estate professional is also the owner or lessor of the real property.

Enacted by Chapter 194, 2009 General Session

57-27-203. Decontamination of real property.

(1) A government subdivision or agency may charge an owner or lessor a fee, in accordance with the provisions of Section 63J-1-504, for:

- (a) a permit issued by the subdivision or agency to decontaminate a property;
- (b) the subdivision or agency to determine whether or not the property has been decontaminated; and
- (c) any other related service provided by the subdivision or agency, including investigation or decontamination of the property.

(2) A government subdivision or agency may not prohibit an owner or lessor from decontaminating the owner's or lessor's real property.

Enacted by Chapter 194, 2009 General Session